

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

918 FIRST APPEAL (STAMP) NO.:34680 OF 2013

SAKHARAM TATYARAO CHAVAL (DIED)
THROUGH LRS. PANDURANG SAKHARAM CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

FIRST APPEAL (STAMP) NO.:34811 OF 2013

SHIVAJI ASARAM CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr. Deepak M. Kakade.
AGP for Respondent Nos.1 & 2 : Mr. B. V. Virde.
Advocate for Respondent No.3 : Mr. S. P. Sonpawale.

...

WITH

919 FIRST APPEAL (STAMP) NO.:32270 OF 2013

SUMITRABAI BALIRAM CHAVAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr. Deepak M. Kakade.
AGP for Respondent Nos.1 & 2 : Mr. S. N. Morampalle.
Advocate for Respondent No.3 : Mr. S. P. Sonpawale.

...

CORAM : **V. K. JADHAV, J.**
DATE : 27th July, 2017.

ORDER:

. Heard finally with consent at admission stage.

2 Being aggrieved by the common judgment and award passed by the Joint Civil Judge Senior Division, Jalna dated 31st December, 2002 in LAR No.229 of 1999 and other connected reference petitions, the original Claimants in LAR No.76 of 2000 and LAR No.229 of 1999, and also by common judgment and award passed by the Joint Civil Judge Senior Division, Jalna dated 31st December, 2002 in LAR No.91 of 2000 and other connected reference petitions, the original Claimant in LAR No.136 of 2000, have preferred these three appeals.

3 Brief facts giving rise to the these appeals are as follows:

 The agricultural land owned and possessed by the Appellants / original Claimants came to be acquired by the Respondent / State for the purpose of construction of Dudhna project. Section 4 notification was published on 13th July, 1995 and the Special Land Acquisition Officer has awarded the compensation at the rate of Rs.570/- per Are to Rs.640/- per Are as per the classification of the land. Being dissatisfied with the inadequate compensation awarded by the Special Land Acquisition Officer, the Appellants / original Claimants preferred aforesaid land acquisition reference petitions for compensation at the enhanced rate. The learned Joint Civil Judge Senior Division, Jalna by judgment and award dated 31st December, 2002 partly allowed the said reference petitions and awarded the

compensation at the rate of Rs.1,500/- per Are for the acquired lands by treating the Appellants' / Claimants' agriculture lands as Jirayat lands.

4 The learned counsel for the original Appellants / Claimants submits that the Appellants / Claimants have claimed the compensation at the enhanced rate of Rs.2,500/- per Are and the Appellants / Claimants have adduced oral and documentary evidence to substantiate their contentions. However, the Reference Court has not considered the same and awarded the compensation at the rate of Rs.1,500/- per Are for the acquired lands by treating the acquired lands as dry lands.

5 The learned counsel for Respondent / acquiring body submits that out of the same notification and award, the agriculturists also preferred land acquisition reference petitions wherein the Reference Court has awarded the compensation at the rate of Rs.12,00/- per Are for the acquired lands. Being aggrieved by the same, the original Claimants therein approached this Court by filing First Appeal No.2561 of 2015 and other connected appeals and this Court (Coram: S. V. Gangapurwala, J.) by order dated 14th October, 2015 awarded the compensation at the rate of Rs.1,500/-, Rs.1,800/-

and Rs.2,100/- per Are for Jirayat lands, seasonally irrigated lands and perennially irrigated lands respectively. The learned counsel submits that in view of the aforesaid order passed by this Court, there is no substance in these appeals and the appeals are liable to be dismissed.

6 This Court in First Appeal No.2561 of 2015 and other connected appeals by order dated 14th October, 2015 in para 13 has made the following observations:

“13. The said order is passed by the Division Bench of this Court. As the present acquisitions are also from the same village, vide the same notification U/Sec. 4 and for the same project, it would be safe to rely on the said judgment of the Division Bench of this Court, wherein compensation is awarded at the rate of Rs.1,500/-, Rs.1,800/- and Rs.2,100/- per R for Jirayat, seasonally irrigated and perennially irrigated lands respectively stands confirmed. The same would also be in consonance with the principle of parity.”

7 It thus, appears that this Court by relying upon the judgment and order passed by the Division Bench, modified the judgment and award passed by the Reference Court and accordingly awarded the compensation at the rate of Rs.1,500/- per Are for Jirayat land, Rs.1,800/- per Are for seasonally irrigated land and Rs.2,100/-

per Are for perennially irrigated land. In view of the same, I find no substance in these appeals. All the appeals are thus, liable to be dismissed. Hence, the following order:

ORDER

- I. **First Appeal (Stamp) No. 34680 of 2013** (Sakharam Tatyarao Chaval (Died) Through L.Rs. Pandurang Sakharam Chaval Vs. The State of Maharashtra and others), **First Appeal (Stamp) No. 34811 of 2013** (Shivaji Asaram Chaval Vs. The State of Maharashtra and others) and **First Appeal (Stamp) No. 32270 of 2013** (Sumitrabai Baliram Chaval and another Vs. The State of Maharashtra and others), are hereby dismissed. No costs.
- II. All the appeals are accordingly disposed of.
- III. Pending civil applications, if any, stand disposed of.

[V. K. JADHAV, J.]